

EXHIBIT H

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)

Plaintiff,)

vs.)

4:05-CV-00329-TCK-SAJ

TYSON FOODS, INC., et al,)

Defendants.)

THE VIDEOTAPED DEPOSITION OF
STEVEN WILLARDSSEN, produced as a witness on
behalf of the Plaintiff in the above styled and
numbered cause, taken on the 22nd day of May, 2008,
in the City of Wichita, County of Sedgewick, State
of Kansas, before me, Lisa A. Steinmeyer, a
Certified Shorthand Reporter, duly certified under
and by virtue of the laws of the State of Oklahoma.

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1 order to know how to answer that?

2 **A** Once again it would be the same, primarily Tim
3 Alsup.

4 **Q** When you say you relied on, did you have
5 personal conversations with Tim Alsup? 12:56PM

6 **A** No, I did not.

7 **Q** So how did you get information from Tim Alsup
8 in order to rely on him in order to answer this
9 interrogatory?

10 **A** Essentially was told where the information 12:56PM
11 came from and was told he compiled it.

12 **Q** And who told you that?

13 MR. EHRICH: Object to the form of the
14 question. I'm going to object to the extent it
15 requires him to disclose any privileged 12:56PM
16 communication. You may answer that narrow question,
17 who told you that.

18 **A** I believe it was Jen Henderson or it may have
19 been Tim Maupin.

20 **Q** Item 1E, who did you rely on in order to 12:57PM
21 answer Item 1E to this interrogatory?

22 **A** Same group.

23 **Q** And if I asked you again, did you have direct
24 conversations with Tim Alsup on either 1A through
25 1E, what is your response? 12:57PM

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1 **A** I don't believe I did.

2 **Q** Did you have direct communication with Tim
3 Maupin on 1A through 1E of this interrogatory in
4 order to respond?

5 **A** I can't recall. If I did, it would not have 12:57PM
6 been in detail. It would have been did you pull
7 this together, did you guys get this together.

8 **Q** So if I were to ask you then from bullet A
9 through bullet E, the person you relied on most
10 likely would have been Jennifer Henderson as to what 12:57PM
11 you've testified; is that correct?

12 MR. EHRICH: I object to the form of the
13 question.

14 **Q** All right. Let's ask it this way: Who did
15 you rely on with regard to 1A through 1E if you 12:58PM
16 didn't have any communication with Mr. Alsup or you
17 may not have had communications with Mr. Maupin?

18 MR. EHRICH: Counsel, it's asked and
19 answered, and you mischaracterized his testimony.

20 **Q** Did you have direct communication with 12:58PM
21 Jennifer Henderson on Items 1A to 1E in order to be
22 able to respond and sign the verification to this
23 set of interrogatories?

24 MR. EHRICH: Object to the form to the
25 extent it calls for the disclosure of privileged 12:58PM

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1 communication. You may answer that yes or no.

2 **A** Yes.

3 **Q** Other than relying on the statements primarily
4 of Miss Henderson with regard to your signing the
5 verification, what did you do personally to verify 12:59PM
6 the truth of the response given in this
7 Interrogatory No. 1A through 1E?

8 MR. EHRICH: Object to the form,
9 mischaracterizes the testimony.

10 **A** I relied on others that I knew had access to 12:59PM
11 the numbers. I was told Tim Alsup did it. I relied
12 that he would do it to the best of his ability.

13 **Q** Okay. My question is, what did you do
14 independently to inform yourself of the truth or
15 accuracy of what you were being told? 12:59PM

16 MR. EHRICH: Object to the form of the
17 question. Counsel, you've asked it and he's
18 answered it repeatedly.

19 MR. GARREN: He's never told me what he did
20 other than just relied on one person. 12:59PM

21 MR. EHRICH: No. He didn't say --

22 MR. GARREN: If you'll please just make
23 your objection as to form as you are required by the
24 rules.

25 MR. EHRICH: Well, I'm about to call a halt 12:59PM

1 to this and have Mr. Willardsen out of the room and
2 keep our discussion on the Record because I think
3 that there are grounds to discuss this with you
4 further. If we're going to do that for every page
5 here, we're going to get some ground rules. 01:00PM

6 MR. GARREN: We have rules, and I'm just
7 asking you to abide by them. So if we could cut out
8 this waste of time in the deposition by these
9 frivolous objections and speaking objections, this
10 will go much quicker. That's all I'm asking you to 01:00PM
11 do, abide by the rules, make your objection as to
12 form as you are obligated to do and nothing more.

13 MR. EHRLICH: I am making my objections
14 according to the rules, following the rules and
15 not -- 01:00PM

16 MR. GARREN: You just wasted two minutes of
17 time by speaking objections.

18 MR. EHRLICH: I would appreciate -- I do not
19 interrupt you, and I'd appreciate, Mr. Garren, that
20 you do not interrupt me. If you want to have this 01:00PM
21 conversation off the Record, I'm happy to do that.

22 MR. GARREN: The interruption is because
23 you have interrupted the deposition, but let's get
24 back to the deposition. You and I arguing doesn't
25 get us there. 01:00PM

1 Q Now, with regard to Interrogatories 1A through
2 1E, did you talk to anyone else to inform -- to
3 confirm in your mind the correctness of the
4 information you were otherwise told?

5 A I did not. 01:01PM

6 Q All right. Did you look at any documents in
7 Cargill's possession that would have assisted you in
8 finding an answer to Interrogatory No. 1 through E?

9 A No, I did not.

10 Q What information did you have that would 01:01PM
11 indicate to you Jennifer Henderson had personal
12 knowledge of the facts called for in the
13 Interrogatories 1A through 1E?

14 MR. EHRICH: Object, calls for disclosure
15 of attorney-client privileged communication and it 01:01PM
16 calls for speculation.

17 Q Other than a communication directly from her,
18 was there anything that you had that would indicate
19 that she had personal knowledge of the information
20 called for in Interrogatory No. 1A through E? 01:02PM

21 A Other than the source of information, I don't
22 know why I would have to count the birds in the
23 farms, that I can't rely on people to do the job. I
24 mean the source of information is what I relied on.

25 Q Okay. Let's look at this response, in 01:02PM

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1 particular on Page 4 of this document. At the very
2 top it says, and the response I'll read with regard
3 to Interrogatory 1D, Cargill Turkey states that it
4 does not track on an aggregated annual basis the
5 number of birds at any particular farming location
6 in any particular year. Do you see that statement?

01:02PM

7 **A** I do.

8 **Q** All right. I'd ask you to look at the
9 interrogatory on Page 3 and ask you to tell me where
10 it asks whether you track information.

01:03PM

11 Interrogatory 1A through E at the top of Page 3,
12 does that in any place ask Cargill if it tracks
13 information?

14 **A** Not specifically, but if you didn't track it,
15 how would you know the number?

01:03PM

16 **Q** You agree with me that Cargill knows for every
17 grower the number of birds that are placed with that
18 grower and the date they're placed?

19 **A** Cargill knows?

20 **Q** Cargill Turkey Production Limited or LLC, does
21 that entity know for every grower the number of
22 birds it places with a grower and the date they're
23 placed?

01:03PM

24 **A** I don't know.

25 **Q** You don't know that information and you're the

01:03PM

1 president of that company?

2 MR. EHRICH: Objection to form,
3 argumentative.

4 Q Do you know whether or not Cargill Turkey
5 Production Limited or LLC knows the numbers of birds 01:04PM
6 that it picks up from each grower?

7 A I believe we know roughly how many birds we
8 pick up.

9 Q Okay. And does --

10 A Now, I don't know if that's LLC or the plant. 01:04PM

11 Q The plant is owned by something different,
12 isn't it?

13 A It is, yes, sir.

14 Q Okay. Does the Cargill Turkey, LLC, know the
15 number of birds that are processed for that grower 01:04PM
16 for every flock it grows?

17 A The LLC, I don't know.

18 Q Okay. Some other Cargill entity might know
19 that?

20 A Yes. 01:04PM

21 Q Does -- and that would be Cargill Meat
22 Solutions or -- am I correct?

23 A Yes.

24 Q Is it Cargill Meat Solutions that would know
25 the number of birds that are placed with a 01:04PM